of an ordinary character and reasonable safety and that the former is the test of the latter, thus making ordinary, or common use conclusive of the employer's nonliability. *Titus* v. *Bradford, B. & K. Ry. Co.,* 136 Pa. St. 618, 20 Atl. 517, 20 Am. St. Rep. 944; *Ford* v. *Mt. Tom Sulphite Pulp Co.,* 172 Mass. 554, 52 N. E. 1065, 48 L. R. A. 96.

According to some of the best considered decisions, however, proof of the common use of an appliance is held to be prima facie proof, only, of the nonliability of the employer, and capable of being rebutted by the proof of the dangerous character of the appliance. *Prattville Cotton Mills* v. *McKinney,* 178 Ala. 554, 59 South. 498; *Winkler* v. *Power & Mining Machinery Co.,* 141 Wis. 244, 124 N. W. 273; *Geno* v. *Fall Mountain Paper Co.,* 68 Vt. 568, 35 Atl. 475. See *Wabash Ry. Co.* v. *McDaniels,* 107 U. S. 454. The ground for this view is that many well regulated plants do not use due or proper diligence in regard to every appliance in the plant, and for this reason proof of customary use should not raise a conclusive presumption that any particular appliance is reasonably safe. On principal, it would seem that the view of the principal case is sound, and that proof of the common use of an appliance should be strong prima facie evidence of the employer's nonliability, to be rebutted only by the clearest proof of its dangerous character. See *Going* v. *Alabama Steel & Wire Co.,* 141 Ala. 537, 37 South. 784.

MUNICIPAL CORPORATIONS—POLICE POWERS—REGULATION OF BILL-BOARDS.—A city ordinance provided that any person who allowed any advertisement of liquor to be displayed on his property should be deemed guilty of suffering a nuisance to exist. *Held,* the ordinance is invalid. *Haskell* v. *Howard* (Ill.), 109 N. E. 992. For principles involved, see 2 VA. L. REV. 72.

NEGLIGENCE—NEGLIGENCE OF HUSBAND AS IMPUTED TO WIFE.—The plaintiff's intestate was killed in a collision with defendant's train, while riding in a vehicle driven by her husband. *Held,* the husband's negligence will not be imputed to the wife. *Chicago & E. R. Co.* v. *Biddinger* (Ill.), 109 N. E. 953. For discussion of the principles involved, see 1 VA. L. REV. 252.

PAYMENT—RECOVERY OF PAYMENT MADE UNDER DURESS.—As a condition precedent to the obtaining of a liquor license an illegal fee was exacted from the plaintiff. The loss of the license would have occasioned great depreciation in the value of the plaintiff's property. Had he been entitled to the license, the plaintiff could have obtained the same by legal proceedings. *Held,* there can be no recovery. *Baldwin* v. *Village of Chesaning* (Mich.), 154 N. W. 84. See NOTES, p. 309.

POWERS—NON-EXCLUSIVE POWER—ILLUSORY APPOINTMENT.—A beneficiary under a will was given certain property which, upon his death, should be distributed as he might direct by his last will to his wife and heirs at law. The donee of this power, by will, appointed a sum of $147,000 to his widow, and only $1,000 to his heirs at law. *Held,* the appoint-